

## **EXHIBIT 109**

Interfocus Inc v Hibobi

发件人: infringement@patpat.com<infringement@patpat.com>

发送给: service <service@hibobi.com>

时间: 2020-05-29 13:57:05

To whom it may concern,

The purpose of this letter is to demand that you immediately undertake to **cease** to commit acts of intellectual property infringement.

Compliance with the demands detailed in this letter is requested from you by **no later than 2:00am on 31 May 2020 (UTC)**. Failure to comply may result in legal proceedings.

It has come to our attention that since at least early May 2020, Hibobi has flagrantly stocked and is promoting and selling products in a misleading and deceptive manner by using the pictures designed by PatPat.

All these photos are originally designed by PatPat. The use of these materials is not authorized by PatPat, their agents, or by law and therefore infringes on PatPat' copyright. PatPat suffers damage as a result of these infringements.

The Infringing Products above can be found on your website at the following URLs:

1. <https://www.hibobi.com/detail/Baby's-Rainbow-Print-Sleeveless-Romper-110479.html?spm=1001.2002.0.0-0>

PatPat URL: [https://www.patpat.com/product/Baby-Boy-MINI-BOSS-Jumpsuits-with-Hat-448527.html?tpl\\_no=1](https://www.patpat.com/product/Baby-Boy-MINI-BOSS-Jumpsuits-with-Hat-448527.html?tpl_no=1)

2. <https://www.hibobi.com/detail/Leisure-Alphabet-Print-Jumpsuits-for-Baby-137570.html?spm=1001.2002.0.0-15>

PatPat URL: [https://www.patpat.com/product/Baby-Elephant-Print-Long-sleeve-Jumpsuit-370882.html?tpl\\_no=1](https://www.patpat.com/product/Baby-Elephant-Print-Long-sleeve-Jumpsuit-370882.html?tpl_no=1)

3. <https://www.hibobi.com/detail/2-piece-Floral-Bodysuits-with-Headband-for-Baby-148647.html?spm=1001.2002.0.0-11>

PatPat URL: [https://www.patpat.com/product/Beautiful-Floral-Long-sleeve-Hoodie,-Pants-and-Headband-Set-376202.html?tpl\\_no=1](https://www.patpat.com/product/Beautiful-Floral-Long-sleeve-Hoodie,-Pants-and-Headband-Set-376202.html?tpl_no=1)

4. <https://www.hibobi.com/detail/3-piece-Letter-Pattern-Bodysuit-&-Polka-Dot-Shorts-&-Headwear-for-Baby-Girl-143431.html?spm=1001.2002.0.0-23>

PatPat URL: [https://www.patpat.com/product/Baby-Boy-Girl-Solid-Knitted-Sleeveless-Jumpsuit-444103.html?tpl\\_no=1](https://www.patpat.com/product/Baby-Boy-Girl-Solid-Knitted-Sleeveless-Jumpsuit-444103.html?tpl_no=1)

5. <https://www.hibobi.com/detail/Classic-Bow-Tie-Strap-Solid-Jumpsuit-151062.html?spm=1001.2002.0.0-13>

PatPat URL: [https://www.patpat.com/product/Baby-Boy-Girl-Letter-Print-Jumpsuit-444248.html?tpl\\_no=1](https://www.patpat.com/product/Baby-Boy-Girl-Letter-Print-Jumpsuit-444248.html?tpl_no=1)

6. <https://www.hibobi.com/detail/2-piece-Floral-Bodysuits-with-Headband-for-Baby-148647.html?spm=1001.2002.0.0-11>

PatPat URL: [https://www.patpat.com/product/Pretty-Floral-Pattern-Bodysuit-and-Headband-Set-for-Baby-Girl-383950.html?tpl\\_no=1](https://www.patpat.com/product/Pretty-Floral-Pattern-Bodysuit-and-Headband-Set-for-Baby-Girl-383950.html?tpl_no=1)

7. <https://www.hibobi.com/detail/3-piece-Letter-Pattern-Bodysuit-&-Polka-Dot-Shorts-&-Headwear->

[for-Baby-Girl-143431.html?spm=1001.2002.0.0-23](https://www.patpat.com/product/3-piece-Letter-Print-Bodysuit-and-Dotted-Shorts-Set-449595.html?spm=1001.2002.0.0-23)

PatPat URL: [https://www.patpat.com/product/3-piece-Letter-Print-Bodysuit-and-Dotted-Shorts-Set-449595.html?tpl\\_no=1](https://www.patpat.com/product/3-piece-Letter-Print-Bodysuit-and-Dotted-Shorts-Set-449595.html?tpl_no=1)

8. <https://www.hibobi.com/detail/Classic-Bow-Tie-Strap-Solid-Jumpsuit-151062.html?spm=1001.2002.0.0-13>

PatPat URL: [https://www.patpat.com/product/Baby-Boys-Grace-Faux-two-Long-Sleeve-Jumpsuit-in-Whiteloose-shape-310536.html?tpl\\_no=1](https://www.patpat.com/product/Baby-Boys-Grace-Faux-two-Long-Sleeve-Jumpsuit-in-Whiteloose-shape-310536.html?tpl_no=1)

## **Demands**

The protection of PatPat products is of paramount importance to PatPat, and PatPat is not prepared to allow these rights to be infringed by any third party. Accordingly, PatPat demands that at least two directors of Hibobi give the following undertaking (on behalf of Hibobi, for itself and on behalf of Hibobi's directors, employees and agents) **by no later than 2:00am on 31 May 2020 (UTC)**:

Ceasing to use the Photos/Sale: **By no later than 2:00am on 31 May 2020 (UTC)**, Hibobi must cease and forever desist from undertaking the Infringing Advertising and from selling, distributing, supplying or offering to sell, distribute, supply

- i. the Infringing Products; and
- ii. any goods in a manner consistent with the Infringing Conduct (as defined above).

## **Final Comments**

The undertaking may be given before the deadline of **2:00am on 31 May 2020 (UTC)** by signing and returning the **enclosed** copy of this letter to us.

You will note that PatPat is not currently demanding the payment of compensation, seeking an account of profits or seeking payment of legal costs.

If you give and then comply with the undertakings as demanded, PatPat will not seek such compensation, an account of profits or payment of legal costs from you.

However, in the event that you:

1. fail to give the above undertaking within the required timeframe; or
2. provide the above undertaking, but subsequently breach it;

PatPat will take such further steps as it deems necessary to protect the intellectual property rights detailed in this letter. In particular, PatPat reserves the right to commence legal proceedings against you without further notice, and to claim compensation in such proceedings.

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[infringement@patpat.com](mailto:infringement@patpat.com)

DMCA Takedown Notice

发件人: Infringement Team<infringement@patpat.com>

发送给: service <service@hibobi.com>

抄送给: wei.chai <wei.chai@patpat.com>; huizhuo.chen <huizhuo.chen@patpat.com>

时 间: 2021-06-30 17:35:04

DMCA Takedown Notice

1. Copyright

Copyright Owner: Interfocus, Inc.

2. Original Work

Links to the original work:

<https://us.patpat.com/product/Floral-Print-Mid-sleeve-V-neck-Matching-White-Shorts-Rompers-458363.html>

<https://us.patpat.com/product/Mosaic-Mommy-and-Me-Solid-Blue-Cotton-Matching-Sling-Midi-Dresses-with-Buttons-453282.html>

<https://us.patpat.com/product/Mosaic-100-Cotton-Floral-Stitching-Flutter-sleeve-Matching-Midi-Dresses-453709.html>

<https://us.patpat.com/product/Mosaic-Stripe-Stitching-Tie-Dye-Family-Matching-Sets-451010.html>

<https://us.patpat.com/product/Dinosaur-Pattern-Short-sleeve-Matching-Stitching-Midi-Dresses-428571.html>

<https://us.patpat.com/product/Mosaic-Solid-Color-100-Cotton-Matching-Maxi-Dresses-with-Headband-420181.html>

<https://us.patpat.com/product/Mosaic-100-Cotton-Floral-Print-Family-Matching-Blue-Sets-451289.html>

<https://us.patpat.com/product/Cool-Royal-Family-Letter-Print-Matching-Swimsuit-360471.html>

<https://us.patpat.com/product/Breezy-Palm-Leaf-Print-Family-Matching-Swimsuits-356792.html>

<https://us.patpat.com/product/Floral-Print-Tank-Dresses-for-Mom-and-Me-479551.html>

<https://us.patpat.com/product/Flower-Print-Short-sleeve-Matching-Dresses-for-Mommy-and-Me-445994.html>

<https://us.patpat.com/product/Breezy-Palm-Leaf-Print-Family-Matching-Swimsuits-356792.html>

<https://us.patpat.com/product/Mosaic-Flamingo-and-Coconut-Tree-Print-Family-Matching-Sets-450912.html>

<https://us.patpat.com/product/Special-Leopard-Matching-Swimsuit-for-Family-381441.html>

<https://us.patpat.com/product/Family-Matching-Cool-Stripes-Pineapple-Swimwear-345614.html>

<https://us.patpat.com/product/Summer-Flounce-Plant-Print-Matching-Family-Swimsuits-380330.html>

<https://us.patpat.com/product/Floral-Splice-Stripe-Print-Tank-Dresses-with-Headband-for-Mommy-and-Me-415404.html>

Description of the original work:

Interfocus, Inc. is the owner or exclusive rights holder of copyrights in images of clothing. Interfocus retained photographers to create the Protected Works.

3. Allegedly Infringing Content

Links to the allegedly infringing work:

<https://www.hibobi.com/detail/Parent-child-1-Piece-Floral-Print-Ruffle-Sleeve-Dress-or-2pcs-Baby-Bodysuit-&-Headband-194984.html?spm=1001.2002.0.0-33&section=list&edaindex=33&edaId=789-pc>

<https://www.hibobi.com/detail/Parent-child-1-Piece-Solid-Color-Slip-Dress-or-Baby-Bodysuit-194371.html?spm=1001.2002.0.0-36&section=list&edaindex=36&edaId=789-pc>

<https://www.hibobi.com/detail/Whole-Family-Flowers-Print-Pattern-Tops-&-Dresses-or-Baby-Romper-196151.html?spm=1001.2002.0.0-4&section=list&edaindex=44&edaId=789-pc>

<https://www.hibobi.com/detail/Whole-Family-1-Piece-Tie-Dye-Striped-T-shirt-or-Sleeveless-Dress-or-Baby-Romper-194985.html?spm=1001.2002.0.0-11&section=list&edaindex=51&edaId=789-pc>

<https://www.hibobi.com/detail/Parent-child-Dinosaur-Round-Neck-Dress-195130.html?spm=1001.2002.0.0-16&section=list&edaindex=56&edaId=789-pc>

<https://www.hibobi.com/detail/Parent-child-2pcs-Solid-Color-Sleeveless-Dress-&-Headband-or-Baby-Bodysuit-&-Headband-194372.html?spm=1001.2002.0.0-39&section=list&edaindex=79&edaId=789-pc>

<https://www.hibobi.com/detail/Whole-Family-1-Piece-Solid-Color-T-shirt-or-Floral-Dress-or-Baby-Girl-Bodysuit-194390.html?spm=1001.2002.0.0-9&section=list&edaindex=89&edaId=789-pc>

<https://www.hibobi.com/detail/Whole-Family-1-Piece-Letter-Print-Swimming-Shorts-or-One-Piece-Swimsuit-194489.html?spm=1001.2002.0.0-20&section=list&edaindex=100&edaId=789-pc>

<https://www.hibobi.com/detail/Whole-Family-Tropical-leaf-Swimsuits-187244.html?spm=1001.2002.0.0-36&section=list&edaindex=116&edaId=789-pc>

<https://www.hibobi.com/detail/Parent-child-1-Piece-Sleeveless-Floral-Print-Dress-192406.html?spm=1001.2002.0.0-14&section=list&edaIndex=134&edaId=789-pc>  
<https://www.hibobi.com/detail/Floral-Printed-Dress-Mother-Baby-Clothes-150869.html?spm=1001.2002.0.0-24&section=list&edaIndex=144&edaId=789-pc>  
<https://www.hibobi.com/detail/Floral-Printed-Swimsuits-for-Whole-Family-163262.html?spm=1001.2002.0.0-35&section=list&edaIndex=155&edaId=789-pc>  
<https://www.hibobi.com/detail/Whole-Family-Tropical-Print-Pattern-Tops-&-Dresses-196163.html?spm=1001.2002.0.0-5&section=list&edaIndex=165&edaId=789-pc>  
<https://www.hibobi.com/detail/Leopard-Pattern-Seaside-Vacation-Family-Swimsuit-185731.html?spm=1001.2002.0.0-4&section=list&edaIndex=204&edaId=789-pc>  
<https://www.hibobi.com/detail/Pineapple-Printed-Swimsuits-for-Whole-Family-163264.html?spm=1001.2002.0.0-18&section=list&edaIndex=258&edaId=789-pc>  
<https://www.hibobi.com/detail/Floral-Printed-Swimsuits-for-Whole-Family-158621.html?spm=1001.2002.0.0-30&section=list&edaIndex=270&edaId=789-pc>  
<https://www.hibobi.com/detail/Whole-Family-Plant-Flowers-Print-Pattern-&-Dresses-196171.html?spm=1001.2002.0.0-18&section=list&edaIndex=98&edaId=789-pc>

Description of how the material is infringing:

The URLs have copied and are displaying such Protected Works without authorization from Interfocus.

#### 4. Declarations

I have a good faith belief that use of the material in the manner complained of is not authorized by the copyright owner, its agent, or the law.

I swear, under penalty of perjury, that the information in the notification is accurate, and that I am the copyright owner or am authorized to act on behalf of the owner of an exclusive right that is allegedly infringed.

I acknowledge that a copy of this infringement notice, including any contact information provided above, may be provided to the person that posted the content being reported.

I sincerely request you to assist us in taking the Link to the Infringing Content offline, thank you!

Sincerely,

Infringement Report Team

650 Castro Street 120-458

Mountain View, CA, 94041

Phone No: (650)224-6698

Email Address: [infringement@patpat.com](mailto:infringement@patpat.com)



Infringement Report Team

[infringement@patpat.com](mailto:infringement@patpat.com) / (650)224-6698

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[www.patpat.com](http://www.patpat.com)



Copyright Infringement and Takedown Notice

发件人: Infringement Team<infringement@patpat.com>

发送给: service <service@hibobi.com>

时 间: 2021-07-12 13:39:34

**July 12 2021**

**Designated agent of service of Hibobi Technology Limited**

**FLAT/RM B 5/F GAYLORD COMMERCIAL BUILDING 114-118**

**LOCKHART ROAD HK**

**service@hibobi.com**

## **Copyright Infringement and Takedown Notice**

**Hibobi Technology Limited**

To whom it may concern,

Interfocus, Inc., a Delaware corporation with principal offices at 650 Castro Street 120-458, Mountain View, CA 94041, (“Interfocus”) is the owner or exclusive rights holder of copyrights in images of clothing and certain designs (“Protected Works”) listed on Attachment A. Interfocus retained photographers and designers to create the Protected Works.

Beginning on July 12 2021, Interfocus discovered the website belonging to Hibobi Technology Limited located at <https://www.hibobi.com/> (the “Site”) has copied and is displaying such Protected Works without authorization from Interfocus. A representative list of the infringing materials is provided on Attachment B. This letter is to serve notice of this infringement pursuant to the Digital Millennium Copyright Act (DMCA) and 17 U.S.C. § 512.

Pursuant to 17 U.S.C. § 512, we provide the following information:

1. We are a fully authorized representative of Interfocus, the owner or exclusive rights holder of the Protected Works being infringed on the Site, a list of which appears on Attachment A hereto.
2. The infringing material is located at a URL or series of URLs within the Site. See Attachment B hereto for a complete list of URLs and Site’s corresponding product code numbers, if applicable.
3. You may contact Interfocus through its undersigned representative at Attn: Infringement Report Team, Interfocus Inc., 650 Castro Street 120-458, Mountain View, CA, 94041, United States with phone number at (650)224-6698 and E-mail address at [infringement@patpat.com](mailto:infringement@patpat.com).
4. We believe in good faith that the use of the infringing materials on the Site is not authorized by Interfocus, its agent, or the law, including under the fair use defense.

5. The information in this notification is accurate; and, We swear under penalty of perjury, We are authorized to act, including filing a complaint, on behalf of Interfocus, the owner or exclusive rights holder in the Protected Works infringed by the Site.

As you likely know, copyright infringement is a strict liability tort and any person or entity actively involved in the infringement is a possible defendant in an infringement action. Interfocus has several options under U.S. federal law to enforce its rights, including: (1) a preliminary and permanent injunction; (2) statutory and actual damages; (3) disgorging infringer's profits; and (4) recovery of attorney's fees and costs.

Interfocus takes copyrights infringement seriously and enforces its rights by means of litigation when necessary. We demand that **Hibobi Technology Limited** immediately do all of the following:

1. Pursuant to 17 U.S.C. § 512, **Hibobi Technology Limited** immediately remove the infringing material from the Site and confirm such removal in writing to the undersigned within five (5) days of the date hereof.
2. Cease and desist from all use of infringing materials, including all further sale, distribution, display, performance, and advertising of products infringing on Protected Works;
3. Destroy all such infringing materials in **Hibobi Technology Limited's** inventory, possession, or control;
4. Provide Interfocus with a full accounting of all products sold or otherwise distributed and all proceeds therefrom that infringe the Protected Works;
5. Provide Interfocus with the name and contact information of all suppliers of infringing materials.

**Hibobi Technology Limited** must confirm no later than five (5) days from the date thereof that it will comply with the above demands. Interfocus may use **Hibobi Technology Limited's** failure to comply in the time stated as evidence of Infringer's willful infringement.

The foregoing is without prejudice to any of Interfocus' rights, remedies and defenses, all of which are expressly reserved.

Sincerely,

Infringement Report Team

650 Castro Street 120-458

Mountain View, CA, 94041

Phone No: (650)224-6698

Email Address: [infringement@patpat.com](mailto:infringement@patpat.com)



Infringement Report Team

[infringement@patpat.com](mailto:infringement@patpat.com) / (650)224-6698

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2 Attachments (24.39 kB)

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Attachment A.xlsx

11.78 kB

Attachment B.xlsx

12.61 kB



Notice To Cease and Desist - Copyright Infringement

发件人: Infringement Report<infringement@patpat.com>

发送给: service.western@hibobi.com <service.western@hibobi.com>; service@hibobi.com <service@hibobi.com>

时间: 2022-09-30 13:58:44

Notice To Cease and Desist - Copyright Infringement

To whom it may concern,

This is Legal Team of Interfocus Inc ( "Interfocus" ). It has come to our attention that you are making unauthorized use of the photographs on your website <https://www.hibobi.com/>

Under Copyright Law of the United States, Interfocus is the author of these photographs. We have the right, including but not limited to, restrict, prevent or limit

We hereby demand that you immediately cease and desist in any additional use of our photographs that will likely cause misrepresentation in relation with distri

If you fail to comply with the aforementioned demand(s) within 3 business days we will have no choice but to pursue all legal causes of action, including the fili

It is in our best interests to have this issue amicably settled in an effort to avoid further legal remedies.

Link of infringing products:

<https://www.hibobi.com/detail/Family-Clothing-Floral-Print-Sleeveless-Dresses-T-shirts-Sets-216898.html?spm=1001.2002.0.0-10>

<https://www.hibobi.com/detail/Family-Matching-Christmas-Plaid-Pocket-Front-Button-up-Shirt-Solid-Color-Lace-Patchwork-Bowknot-Tied-Long-Sleeve-Dress-Solid-Color-Skirted-Long-Sleeve-Romper-250002.html?spm=1001.2002.0.0-21>

Our product links:

<https://hk.patpat.com/zh/product/Mosaic-Leaves-Print-Family-Matching-Stitching-Sets-472308.html>

<https://us.patpat.com/product/Family-Matching-Red-V-Neck-Splicing-Lace-Long-sleeve-Belted-Dresses-and-100-Cotton-Plaid-Shirts-Sets-515273.html>



**Interfocus Inc.**

**Infringement Report Team**

**Address:** 650 Castro Street 120-458, Mountain View, CA, 94041

**Telephone:** (650) 224-6698

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[www.patpat.com](http://www.patpat.com)

